

REMARKS

In the present Office Action, claims 1-14 were pending. Claims 1, 12, and 14 were the only independent claims. The Office Action rejected claims 1-14.

The drawings and the title were objected to. Claim 14 was rejected under 35 U.S.C. § 101. Claims 1-5, 8, and 12-14 were rejected under 35 U.S.C. § 102(b). Claims 6, 7, and 9-11 were rejected under 35 U.S.C. § 103(a).

No claims have been added or withdrawn. Claim 8 has been cancelled without prejudice or disclaimer of the subject matter recited therein. Claims 1, 12, and 14 have been amended. No new matter has been added.

A. Objection to the Drawings

The Office Action objected to the drawings. By the present Amendment, Applicants have submitted herewith replacement drawing sheets bearing FIGS. 1-13.

Favorable consideration is respectfully requested.

B. Objection to the Title

The Office Action objected to the Title. By the present Amendment, Applicants have amended the Title in view of the Examiner's comments. Applicants respectfully submit that the amended Title now even better describes the claimed subject matter.

Favorable consideration is respectfully requested.

C. Rejection Under 35 U.S.C. § 101

Claim 14 stands rejected under 35 U.S.C. § 101, as allegedly being directed to non-statutory subject matter. In response, Applicants have amended this claim in view of the Examiner's comments and in a manner believed to overcome this rejection.

Accordingly, favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 101 are respectfully requested.

D. Rejection Under 35 U.S.C. § 102

Claims 1-5 and 12-14 stand rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 5,671,267 to August et al. (hereinafter "*August et al.*").

Independent claim 1 now recites, *inter alia*, controlling a set top box via at least one command..., the controlling including directing the set top box to tune to a television event in accordance with the at least one command. Independent claims 12 and 14 recite similar features in apparatus and computer-readable storage medium forms, respectively.

Applicants submit that *August et al.* does not disclose at least the aforementioned features, for at least the following reasons.

It is to be appreciated that independent claims 1, 12, and 14 have been amended to recite features based on features recited in cancelled claim 8.

August et al. relates to an interactive system for communications between a cordless telephone and a remotely operated device and discusses an arrangement that includes a set-top box 32 attached to a video receiving device 60 and a handset 10. The set-top box receives signals from a video service network 40. (*August et al.*,

Fig. 5). *August et al.* teaches remotely accessing the set-top box "for altering the configuration of [the set-top box]." In one example, *August et al.* teaches limiting programs that the set-top box can receive by entering codes that enable a first or second set of channels to reach the video receiving device. (*August et al.*, Col. 10, lines 45-57).

In rejecting cancelled claim 8, the Office Action contends that this teaching of enabling channels meets the aforementioned claim features of independent claims 1, 12, and 14. (*Office Action*, page 6). This contention is respectfully traversed.

A review of the aforementioned claim features reveals that independent claims 1, 12, and 14 now recite directing a set top box to tune to a television event in accordance with an at least one command. In contrast, *August et al.* merely teaches enabling sets of channels to reach the video receiving device. Absent from *August et al.* is any teaching of tuning to a television event via a command. Stated another way, enabling a set of channels to reach a video receiving device is not tuning to a television event.

Accordingly, favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 are respectfully requested.

E. Rejection Under 35 U.S.C. § 103

Claims 6 stands rejected under 35 U.S.C. § 103 as unpatentable over *August et al.* in view of U.S. Patent No. 6,772,436 to Doganata et al. (hereinafter "*Doganata et al.*"). Claim 7 stands rejected under 35 U.S.C. § 103 as unpatentable over *August et al.* in view of U.S. Patent

Publication No. 2005/0028208 to Ellis et al. (hereinafter "*Ellis et al.*"). Claims 9 and 10 stand rejected under 35 U.S.C. § 103 as unpatentable over *August et al.* in view of U.S. Patent No. 5,640,453 to Schuchman et al. (hereinafter "*Schuchman et al.*"). Claim 11 stands rejected under 35 U.S.C. § 103 as unpatentable over *August et al.* in view of U.S. Patent No. 6,219,355 to Brodigan (hereinafter "*Brodigan*"). All rejections are respectfully traversed.

Each of the aforementioned secondary citations was applied against only various ones of the dependent claims. Applicants respectfully submit that none of these secondary citations add anything that would remedy the aforementioned deficiency in the primary citation to *August et al.* Thus, each of the aforementioned combinations of citations fails to disclose each and every feature of the claims.

Accordingly, favorable reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

F. CONCLUSION

Since the Applicants assert that all the independent claims as amended are in condition for allowance and all remaining claims properly depend from the independent claims, Applicants assert that all claims are allowable.

Applicants do not believe a Request for Extension of Time is required but if it is, please accept this paragraph as a Request for Extension of Time and authorization to charge the requisite extension fee to Deposit Account No. 04-1696. Applicants do not believe any additional fees are due regarding this Amendment. However,

if any additional fees are required, please charge Deposit
Account No. 04-1696.

Respectfully Submitted,

Dated: December 28, 2007
Hawthorne, New York

A handwritten signature in black ink, appearing to read "Steven M. Santisi". The signature is fluid and cursive, with the first name "Steven" and last name "Santisi" clearly distinguishable.

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